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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/237,825

01/27/1999

JOHN S HENDRICKS

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06/04/2004

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EXAMINER

NALEVANKO, CHRISTOPHER R

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 06/04/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/237,825

Applicant(s)

HENDRICKS, JOHN S

Examiner

Christopher R Nalevanko

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 January 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banker et al (5,579,057) in further view of Logston et al.

Regarding Claim 1, Banker shows an operations center for a text delivery system wherein text is delivered to subscribers for viewing comprising a data receiver for receiving the text data (col. 5 lines 24-62), a security means for scrambling the data (col. 5 lines 40-62, see fig. 1 items 26 and 28), and an uplink connected to security means for placing the scrambled data onto a video signal (col. 5 lines 40-67, see fig. 1 item 34).

Also, Banker shows that the data is formatted into a television format (col. 9 lines 30-47).

Although not specifically stated, it is nonetheless inherent that the data must be formatted into some format after it is received by the receiver. Furthermore, although Banker shows "scrambling" as a security means, Banker fails to specifically show encryption.

Logston shows encrypting the data. Logston additionally shows formatting the data before encryption (col. 8 lines 50-67, col. 9 lines 1-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Banker with the encryption of Logston to provide a more secure data transmission means that would help prevent the unauthorized use of broadcasted material.

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Regarding Claim 2, Banker shows a head-end controller, data controller, and system manager that process the received data. Although not specifically noted, it is nonetheless inherent that these computer components contain processor and instruction memory to carry out their designed functions.

Regarding Claim 4, Logston shows that the data is encoded (col. 6 lines 15-42).

Regarding Claim 5, Banker shows a billing and collection system (fig. 1 item 11).

Regarding Claim 6, Banker shows a combining means, connected to the processor and formatter, for combining text data prior to uplink (fig. 1 item 34).

Regarding Claim 7, Banker shows a method for operating a center for delivering text comprising receiving the text data (col. 5 lines 24-40), a security means for scrambling the data (col. 5 lines 40-62, see fig. 1 items 26 and 28), and placing the scrambled data on a video signal (col. 5 lines 40-67, see fig. 1 item 34). Also, Banker shows that the data is formatted into a television format (col. 9 lines 30-47). Although not specifically stated, it is nonetheless inherent that the data must be formatted into some format after it is received by the receiver. Furthermore, although Banker shows “scrambling” as a security means, Banker fails to specifically show encryption. Logston shows encrypting the data. Logston additionally shows formatting the data before encryption (col. 8 lines 50-67, col. 9 lines 1-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Banker with the encryption of Logston to provide a more secure data transmission means that would help prevent the unauthorized use of broadcasted material.

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2. Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Banker et al (5,579,057) in further view of Logston et al and Hamilton et al.

Regarding Claim 3, Banker shows a head end controller and a data controller, connected to a processor, for generating text data to be delivered to the subscriber (col. 5 lines 54-67). Furthermore, Banker shows that the data controller and head-end controller receive the text, or message, data and manipulate it. Banker and Logston fail to specifically show message memory for storing messages. Hamilton shows that the text scramblers, connected to a processor, contain memory for storing text messages (col. 5 lines 15-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Banker and Logston with a memory for storing messages so that the text could be manipulated, formatted, and processed by the head-end. Also, this would allow for storage of data that would be beneficial to store for a period of time.

3. Claims 8-13 and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton et al in further view of Logston et al.

Regarding Claim 8, Hamilton shows a system for delivering text comprising a means for receiving text data (fig. 1 item 34, col. 5 lines 40-65), a local file server (fig. 1 item 34, col. 5 lines 40-65), connected to receiving means, for storing the text, a communication system for delivering text (connection between set-top box, TV, and remote control col. 5 lines 40-65, col. 15 lines 23-67), and a home subsystem for receiving text data (connection between set-top box, TV, and remote control col. 5 lines 40-65, col. 15 lines 23-67). Hamilton fails to specifically show that the user requests the text to be delivered. Logston shows a user request for text and the system delivering the

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text upon that request (col. 4 lines 20-32, col. 7 lines 1-26, col. 8 lines 1-25, 50-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hamilton with the ability to request text data so that the user would be provided with additional data upon his or her request. This would increase the interactivity and convenience of the system.

Regarding Claim 9, Hamilton shows an operations center comprising means for gathering text from publishers (fig. 1 items 16, 18, 20, col. 9 lines 30-65), a master file server for storing text (fig. 1 item 16, col. 9 lines 30-65), and a distribution system for distributing the text data at the master file to the local file server (fig. 1).

Regarding Claim 10, Hamilton shows an operations center for delivery of text, or electronic books, comprising a data receiver (col. 4 lines 30-45), under control of a processor (fig. 1 item 16), that receives text information, a formatter, an encoder (col. 6 lines 1-10, col. 10 lines 1-16), a memory that stores the encoded information (see fig. 2, col. 9 lines 34-67), and a transmitter that transmits the information (fig. 1). Hamilton fails to show a packetizer. Logston shows packeting the information (col. 8 lines 50-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hamilton with the packetization of Logston in order to provide the user with a robust, secure digital transmission means. Also, packetization is a required step in the sending of digital data over a network.

Regarding Claim 11, Hamilton shows receiving video, or graphics, and text (col. 2 lines 40-67, col. 3 lines 40-67, col. 4 lines 30-55).

Regarding Claim 12, Hamilton shows a server which generates text data to be inserted into the signals (fig. 2 item 16, col. 4 lines 30-45, col. 9 lines 36-67).

Regarding Claim 13, Hamilton shows sending advertisements (col. 1 lines 17-55).

Regarding Claim 15, Hamilton shows that the text can be messages about sports or weather (see fig. 2).

Regarding Claim 16, Hamilton shows compressing the data prior to storage (col. 2 lines 40-57, col. 10 lines 1-16).

Regarding Claim 17, Logston shows an error correction bit in the information packet (col. 16 lines 48-67, col. 17 lines 1-10).

Regarding Claim 18, Hamilton shows a cable television system (col. 3 lines 43-67).

Regarding Claim 19, Hamilton shows connection to external data bases that store digitized text, or books (fig. 1 items 18 and 20).

Regarding Claim 20, Hamilton shows online databases (fig. 1 items 18 and 20).

Regarding Claim 21, Hamilton shows connection to a television guide publisher, or EPG publisher (fig. 1).

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton et al in further view of Logston et al and Gelman et al.

Regarding Claim 14, Hamilton and Logston fail to show displaying targeted advertisements. Gelman shows targeted advertisements (col. 5 lines 1-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hamilton and Logston with the ability to send targeted advertisements so that the

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service provider could send advertisements that were specifically related to a user's interests.

5. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton et al in further view of Logston et al and McKenna et al.

Regarding Claim 22, Hamilton and Logston both fail to show a market research module that receives buy data and schedules information for advertising to subscribers. McKenna does show a market research module that receives buy data and schedules information for advertising to subscribers (col. 1 lines 15-30, 57-67, col. 4 lines 59-67, col. 5 lines 38-67, col. 10 lines 38-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hamilton and Logston with the ability to store buying information in order to better provide viewers with relevant commercials and viewing choices.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hellhake U.S. Patent No. 5,877,755 discloses an interactive broadband multimedia system.

Martinez U.S. Patent No. 4,928,177 discloses a two-way data broadcast network.

Yurt et al U.S. Patent No. 5,550,863 discloses an audio and video transmission and receiving system.

Banker et al U.S. Patent No. 5,485,221 discloses a subscription television system and terminal for enabling simultaneous display of multiple services.



Eichelberger U.S. Patent No. 4,616,263 discloses a video subsystem for hybrid videotex facility.

Hosomi et al U.S. Patent No. 6,091,823 discloses a transaction processing system utilizing teletext broadcasting system and terminal used in the transaction processing systems.

Handelman U.S. Patent No. 6,634,028 discloses a television system communicating individually addressed information.

Lappington et al U.S. Patent No. 5,526,035 discloses a transaction based interactive television system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Nalevanko whose telephone number is 703-305-8093. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**PRIMARY EXAMINER**